

KENOSHA POLICE DEPARTMENT

Statement

DATE OF STATEMENT:
11/09/04

DATE & TIME OF INCIDENT:
11/09/04 @ 02:11 hours

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CASE NUMBER:
04-156477

NAME: ERICH R. STRAUSBAUGH

DOB: 06/12/76

SEX/RACE: M/W

ADDRESS: 1000 55 St.

TELEPHONE:

I AM A POLICE OFFICER WITH THE KENOSHA POLICE DEPARTMENT. I HAVE BEEN EMPLOYED AS AN OFFICER FOR 4 ½ YEARS. I WAS WORKING MY JOB AS A THIRD SHIFT OFFICER ON MONDAY, 11/08/04. I STARTED MY TOUR OF DUTY THAT NIGHT AT 10:00 P.M. DURING MY SHIFT, SOMETIME AROUND 1:30 A.M. ON TUESDAY, 11/09/04, I MADE A TRAFFIC STOP ON 14 AVE IN THE 8000 BLK. I HAD PULLED OVER A FEMALE FOR FAILING TO STOP AT A STOP SIGN ON SHERIDAN RD. I ISSUED THE FEMALE A CITATION, AND I WAS BACKED UP ON THE TRAFFIC STOP BY OFFICER ERIC WEIDNER. AFTER ISSUING THE CITATION AND RELEASING THE FEMALE DRIVER, I STAYED AT THAT LOCATION AND HAD A CONVERSATION WITH OFFICER WEIDNER. AT THIS TIME WE WERE STILL ON 14 AVE IN THE 8000 BLK, AND OUR SQUAD LIGHTS WERE STILL ACTIVATED. TRAFFIC WAS VERY LIGHT AT THIS TIME. AS OFFICER WEIDNER AND I WERE TALKING WITH EACH OTHER, STANDING OUTSIDE OUR SQUADS, I OBSERVED A GREEN COLORED SUV, WHICH APPEARED TO BE A FORD EXPLORER, DRIVING SOUTHBOUND ON 14 AVE FROM 80 ST. I SAW THAT THERE WAS A WHITE MALE DRIVING THE SUV, AND I COULD NOT TELL IF THERE WAS ANYONE ELSE IN THE VEHICLE AT THIS POINT. I DID NOT RECOGNIZE THE DRIVER AS THE SUV DROVE PAST MYSELF AND OFFICER WEIDNER. I SAW AS THE SUV STOPPED AT THE STOP SIGN AT 81 ST AND 14 AVE. IT APPEARED THAT THE SUV DID MAKE A COMPLETE STOP, AND AT THE VERY LEAST IT DID NOT BLOW THROUGH THE STOP SIGN. HOWEVER, AFTER MAKING THE STOP THE SUV TOOK OFF FROM THE STOP SIGN AT A HIGH RATE OF SPEED. I COULD HEAR THE SOUND OF THE ENGINE, AND SAW THE FRONT END OF THE SUV APPEAR TO LIFT UP AS IT TOOK OFF. BASED ON MY TRAINING AND EXPERIENCE I ESTIMATED THAT THE SUV REACHED A SPEED OF APPROXIMATELY 40 MILES PER HOUR. I TURNED TO OFFICER WEIDNER AND COMMENTED ABOUT THE WAY THE SUV WAS DRIVING, AND SAID THAT I WAS GOING TO GO PULL THE DRIVER OVER. BOTH OF OUR SQUADS WERE FACING NORTH, WITH MY SQUAD, #2689, THE FURTHEST NORTH OF THE TWO. I TURNED AROUND ON 14 AVE TO GO AFTER THE SUV SOUTHBOUND. I SAW THAT THE SUV PULLED OVER IN THE 8300 BLK OF 14 AVE. MY SQUAD EMERGENCY LIGHTS WERE STILL ACTIVATED AS I TURNED AROUND AND WENT AFTER THE SUV, AND I POSITIONED MY SQUAD BEHIND IT IN THE 8300 BLK OF 14 AVE. OFFICER WEIDNER PULLED HIS SQUAD BEHIND MINE ON 14 AVE. THE DRIVER OF THE SUV WAS EXITING THE SUV AS I STOPPED. THE SUV HAD WISCONSIN TEMPORARY PLATES ON IT. I EXITED MY SQUAD AND TOLD THE DRIVER TO GET BACK INTO HIS VEHICLE. I REPEATED THAT ORDER AT LEAST TWICE, BUT THE DRIVER IGNORED ME AND WALKED TOWARDS MY SQUAD NORTHBOUND. I MET THE DRIVER AT THE REAR DRIVER'S SIDE OF THE SUV, AND SAW THAT HE WAS WEARING A BROWN LEATHER JACKET AND WAS PUTTING HIS HANDS INTO THE JACKET POCKETS. BECAUSE THE DRIVER WAS IGNORING MY COMMANDS I PLACED MY HAND ON THE DRIVER'S SHIRT

Witness:

Date:

Signed:

Det. [Signature]
PO Strausbaugh

11-09-04
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COLLAR AREA AND ALSO GRABBED ONTO ONE OF HIS ARMS TO TAKE HIM BACK TO HIS VEHICLE. I COULD FEEL MUSCLE TENSION IN THE DRIVER'S ARM AT THIS POINT. I WANTED HIM BACK IN HIS VEHICLE FOR MY OWN SAFETY. THE DRIVER, AS I WAS LEADING HIM BACK TO THE DRIVER'S DOOR, SAID THAT HE WASN'T GETTING BACK INTO THE CAR. AT THAT POINT I DETECTED AN ODOR OF AN ALCOHOLIC BEVERAGE ON THE DRIVER'S BREATH. I ALSO THEN SAW A WHITE MALE PASSENGER IN THE FRONT PASSENGER SEAT OF THE SUV. BECAUSE OF THOSE OBSERVATIONS I DECIDED THAT IT WOULD NOT BE A GOOD IDEA TO HAVE THE DRIVER GET BACK INTO THE VEHICLE. I ALSO HEARD THE PASSENGER AT THIS POINT SAY SOMETHING LIKE "MICHAEL, JUST CHILL OUT". I DECIDED TO WALK THE DRIVER BACK TO MY SQUAD TO PAT HIM DOWN FOR OUR SAFETY. I COULD FEEL TENSION STILL IN THE DRIVER'S ARM, AND IT WAS AT THIS POINT THAT I ALSO RECOGNIZED THE DRIVER AS MICHAEL BELL. I HAD ARRESTED BELL FOR A FELONY DRUG OFFENSE IN SEPTEMBER OF 2004 ALONG WITH A RESISTING ARREST CHARGE. DURING THE SEPTEMBER ARREST BELL FOUGHT WITH ME AND OFFICER DEMARIO, AND HAD TO BE PEPPER SPRAYED BECAUSE OF THE LEVEL OF HIS RESISTANCE. NOW ON 11/09/04, AFTER RECOGNIZING BELL, I RECALLED THAT I HAD A COURT DATE SCHEDULED FOR BELL'S DRUG CHARGE ON WEDNESDAY, 11/10/04. I KNEW THAT BELL HAD TO BE OUT ON BOND RESTRICTIONS FROM THE DRUG CHARGE, AND KNEW THAT HE WAS PROBABLY COMMITTING A FELONY BY VIOLATING THE FELONY BOND CONDITIONS AT THIS TIME. AS I BROUGHT BELL BACK TO THE SQUAD CAR I ATTEMPTED TO PLACE BELL'S HANDS ON THE REAR OF THE SQUAD TO PAT HIM DOWN. BELL KEPT REMOVING HIS HANDS FROM THE REAR OF THE SQUAD AS I TRIED TO PAT HIM DOWN. I ASKED BELL IF HE HAD A NO ALCOHOL RESTRICTION AS PART OF HIS BOND, AND THE ONLY RESPONSE I HEARD OUT OF BELL WAS "HEY MAN, YOU DON'T HAVE TO DO THIS". I TRIED TO COMPLETE THE PAT DOWN AS BEST I COULD AND TOLD BELL THAT HE WAS GOING TO HAVE TO HAVE A SEAT IN MY SQUAD. BELL SAID "NO I DON'T" AND TRIED TO WALK AWAY. I SAID THAT WE WOULD THEN CONDUCT FIELD SOBRIETY TESTS ON THE SIDEWALK. I DID NOT HAVE ANY HANDS ON BELL AT THIS TIME, AND TOLD BELL THAT I WANTED HIM TO GO TO THE SIDEWALK. BELL STATED "YOU'RE NOT DOING THIS TO ME AGAIN" AND STARTED TO WALK WESTBOUND THROUGH THE FRONT YARD OF THE HOUSE NEAR THE TRAFFIC STOP. BELL WAS WALKING IN A NORTHWEST DIRECTION AND I RAN UP TO HIM AND GRABBED HIS LEFT ARM WHILE OFFICER WEIDNER GRABBED BELL'S RIGHT ARM. I TOLD BELL THAT HE WAS UNDER ARREST, AND I AGAIN FELT BELL TENSE HIS MUSCLES. BELL STRUGGLED TO GET AWAY FROM US, AND I DID TRIP BELL TO TAKE HIM TO THE GROUND IN ORDER TO GAIN CONTROL OF HIM. BELL CONTINUED TO STRUGGLE, WITH HIS MUSCLES TENSED UP AND HIS HANDS BALLED UP INTO FISTS. WE WERE UNABLE TO GET BELL'S HANDS INTO A POSITION TO HANDCUFF HIM OR GAIN CONTROL OVER HIM. AT THIS POINT I ATTEMPTED TWO OR THREE KNEE STRIKES TO BELL'S LEGS, BUT THEY WERE INEFFECTIVE. I MADE A DECISION, BECAUSE OF BELL'S STRENGTH AND OUR INABILITY TO GET HIM UNDER CONTROL, TO USE MY TAZER GUN ON BELL. I INFORMED OFFICER WEIDNER THAT I WAS USING THE TAZER, AND AFTER OFFICER WEIDNER CLEARED FROM BELL I FIRED THE TAZER PROBES INTO BELL'S BACK FROM ABOUT TWO FEET AWAY. THE TAZER PRONGS STUCK IN BELL'S JACKET, AND THERE APPEARED TO BE A REACTION FROM BELL. I SAW BELL TENSE UP AS THE FIVE SECOND BURST

Witness:

D. D. A.

Date:

11-09-04

Signed:

no Stranberg

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FROM THE TAZER WAS FUNCTIONING. BELL THEN SHOT UP TO HIS FEET AND RAN FULL SPEED AWAY FROM US TOWARDS THE DRIVEWAY OF THE HOME THERE. OFFICER WEIDNER AND I PURSUED BELL ON FOOT AND AT ONE POINT, AS I GRABBED ONTO BELL FROM BEHIND I FELT A SURGE OF AN ELECTRIC SHOCK FROM THE TAZER. THE SHOCK WAS NOT ENOUGH TO INCAPACITATE ME. I DON'T THINK THAT I EVER RELEASED THE TRIGGER OF THE TAZER AFTER FIRING THE PROBES INTO BELL'S JACKET. I HAD GRABBED AROUND OF BELL AS WE WERE IN THE DRIVEWAY, BETWEEN A VEHICLE AND THE HOUSE. I WAS FACING NORTH AND BELL WAS FACING SOUTH. THE AREA WAS VERY CONFINED, AND BELL WAS FIGHTING ME WILDLY AT THIS POINT. BELL PUNCHED ME IN THE BACK OF THE HEAD AND IN THE RIGHT CHEEK, AND BELL ALSO GRABBED AROUND OF ME AND SHOVED ME INTO THE SIDE OF THE HOUSE. I REMEMBER THAT I WAS FEELING TIRED AND THAT BELL WAS PROBABLY GETTING THE BEST OF ME AT THIS POINT. I ALSO FELT BELL'S HAND ON MY MIDSECTION NEAR MY GUN. I FELT IN MY MIND THAT BELL WAS IN FACT GOING FOR MY GUN, AND YELLED OUT TO WEIDNER THAT BELL WAS GOING FOR MY GUN. I HAD HIT BELL IN THE HEAD WITH MY TAZER, AND HAD DRIVE STUNNED BELL WITH THE TAZER IN THE MIDSECTION. OFFICER WEIDNER TOLD ME TO DROP THE TAZER SO HE COULD ASSIST ME IN TRYING TO SUBDUE BELL. I DID DROP THE TAZER AT THAT POINT AND OFFICER WEIDNER AND I NOW BOTH FOUGHT WITH BELL. SOMEHOW WE WERE ABLE TO GET OUT OF THE CONFINED AREA OF THE DRIVEWAY BETWEEN THE HOUSE AND VEHICLE, AND WE WERE ABLE TO GET BELL TO THE GROUND AGAIN IN THE DRIVEWAY. I WAS GETTING EXHAUSTED AND I COULD NOT FIND MY RADIO TO CALL FOR ASSISTANCE. I WAS NOT AWARE AT THIS POINT THAT WEIDNER HAD CALLED FOR HELP. AS WE WERE ON THE GROUND WITH BELL A WOMAN CAME OUT FROM THE HOUSE THERE. THE WOMAN WAS YELLING THAT THIS WAS HER SON, AND SHE CAME UP ON TOP OF US. I TOLD THE WOMAN THAT SHE HAD TO BACK OFF, WHICH SHE INITIALLY DID. BECAUSE WE STILL HAD NOT GAINED CONTROL OVER BELL I AGAIN ATTEMPTED KNEE STRIKES TO BELL, AT WHICH TIME THE WOMAN REACTED BY CHARGING AT US AGAIN. I HAD TO PUT MY HAND ON THE WOMAN AND TELL HER THAT SHE WOULD HAVE TO BACK AWAY OR SHE WOULD BE ARRESTED. AT THIS POINT I HEARD SIRENS, AND I WAS ABLE TO LOCATE MY RADIO NOW AND GOT ON THE AIR, YELLING THAT WE WERE IN THE BACK YARD. I SAW LT. KRUEGER ARRIVE FIRST. I WAS ON THE RIGHT SIDE OF BELL WITH WEIDNER ON BELL'S LEFT. LT. KRUEGER APPLIED A DRIVE STUN TO BELL'S BACK WITH HIS TAZER. BELL JUMPED RIGHT UP OFF OF THE GROUND AS LT. KRUEGER TAZED HIM. BELL CAME RIGHT AT ME AND GRABBED ME AROUND MY MIDSECTION. I WAS PUSHED UP AGAINST A CAR THAT WAS PARKED CLOSE TO THE GARAGE IN THE DRIVEWAY. BELL HAD HIS ARMS AROUND ME, AND HE WAS MORE TO MY RIGHT SIDE OF MY BODY. I WAS TRYING TO GAIN CONTROL OF AN ARM AND I THINK THAT LT. KRUEGER MAY HAVE BEEN CONTINUING WITH THE DRIVE STUNS FROM HIS TAZER, BUT I'M NOT SURE ABOUT THAT. I AGAIN FELT BELL'S HANDS BY MY GUN, AND THIS TIME BELL HAD AROUND OF MY GUN IN THE HOLSTER. BELL HAD MY ENTIRE HOLSTER AND GUN BELT TWISTED ON MY BODY, AND AS I REACHED TO TRY TO GAIN CONTROL OF MY GUN I FELT THAT THE SAFETY THUMB SNAP ON THE HOLSTER WAS NOW OPEN. I COULD FEEL BELL'S HAND ON THE GRIP PORTION OF MY GUN WHILE IT WAS STILL IN THE HOLSTER. I HAD MY HAND ON THE REAR SIGHT OF THE GUN, APPLYING PRESSURE TO ATTEMPT TO KEEP BELL FROM PULLING

Witness:

Det. D. L. A. S.

Date:

11-09-04

Signed:

P. J. Haulbaugh

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THE GUN OUT OF THE HOLSTER. I COULD FEEL BELL PULLING UP ON THE GUN AS I PUSHED DOWN ON IT. I YELLED THAT BELL HAD MY GUN, AND I REPEATED THAT STATEMENT, THAT HE HAD MY GUN. I THINK I HEARD ANOTHER OFFICER REPEAT WHAT I HAD SAID, AND THE NEXT THING I HEARD WAS A LOUD BANG. SUDDENLY EVERYTHING STOPPED. IT DIDN'T REGISTER RIGHT AWAY THAT I HAD HEARD A GUN SHOT, BUT I THEN SAW A LOT OF BLOOD AND SAW BELL LAYING ON THE HOOD OF THE CAR. I THEN SAW OFFICER GONZALES ON THE SCENE FOR THE FIRST TIME, AND SAW THAT HE HAD HIS DUTY WEAPON DEPLOYED.. I MADE SURE THAT MY GUN WAS NOW SECURE IN MY HOLSTER, SNAPPING THE THUMB SNAP. I DID NOT HANDLE MY GUN AFTER THAT POINT. SGT. BARTHOLOMEW TOOK POSSESSION OF MY GUN AT THE P.D. FOLLOWING THIS INCIDENT. LT. KRUEGER REQUESTED A RESCUE SQUAD AT THIS POINT, AND I STOOD WITH MY HANDS ON MY LEGS GASPING FOR AIR, COMPLETELY EXHAUSTED. I WAS SENT BACK TO THE POLICE DEPARTMENT AT THAT POINT. AT THE POINT THAT BELL WAS PUNCHING ME I WAS FEELING PAIN. MY UNIFORM SHIRT WAS RIPPED BY BELL WHILE FIGHTING WITH HIM. IN MY MIND MY K.P.D. ISSUED GUN WAS BEING TAKEN AWAY FROM ME BY MICHAEL BELL IN THIS FIGHT. I WAS IN FEAR FOR MY OWN LIFE AS WELL AS THE LIVES OF OTHER K.P.D. OFFICERS AT THE SCENE. I HAD GUN BELT "KEEPERS" ON MY BELT AT THE TIME OF THIS INCIDENT. BELL PULLED ON MY GUN WITH ENOUGH FORCE TO TWIST MY GUN BELT AROUND TO THE POINT THE HOLSTER WAS NOW ON THE FRONT OF MY BODY, POINTING DOWN THE FRONT OF MY RIGHT LEG, EVEN WITH THE KEEPERS IN USE. AT THE TIME I FIRST RECOGNIZED BELL I WAS AWARE FROM MY PREVIOUS CONTACTS WITH HIM THAT HIS DRIVING STATUS WAS REVOKED. I KNEW THAT I WOULD BE TAKING HIM INTO CUSTODY AND WAS NOT GOING TO HAVE HIM GET BACK INTO HIS VEHICLE AFTER RECOGNIZING HIM. THIS STATEMENT WAS TYPED FOR ME BY DETECTIVE DANIEL STRASH OF THE KENOSHA POLICE DEPARTMENT AND IS A TRUE AND ACCURATE ACCOUNT OF WHAT OCCURRED.

Witness:

Det. D. A. L.

Date:

11-09-04

Signed:

Det. Strash

RECORDS BUREAU